

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PHILIPS RECALLED CPAP, BI-
LEVEL PAP, AND MECHANICAL
VENTILATOR PRODUCTS LIABILITY
LITIGATION**

Master Docket: Misc. No. 21-01230

This Document Relates To:
All Actions

MDL No. 3014

JOINT NOTICE OF UPDATED TIMELINE OF PERTINENT MDL DATES

The parties jointly submit this updated timeline of upcoming deadlines in *In Re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigations* (MDL No. 3014).¹

| Date | Event | ECF No. |
|------------------------|---|----------------|
| 6/27/2023 ² | Evidentiary hearing on Koninklijke Philips N.V.'s Motions to Dismiss for Lack of Personal Jurisdiction | 1932 |
| 7/10/2023 | Hearing on Motions to Dismiss pending before Special Master Vanaskie | 1855 |
| 7/11/2023 | Hearing on Motions to Dismiss pending before Special Master Vanaskie | 1855 |
| 8/31/2023 | Deadline for any Plaintiffs' motions to remand to state court | 1901 |
| 8/31/2023 | Plaintiffs' and Defendants' document productions to be substantially complete for Economic Loss and Medical Monitoring class actions | 1911 |
| 10/31/2023 | Deadline to file Defendants' Responses to any motions to remand to State Court (or Consolidated Response, if determined to be more efficient and effective) | 1901 |
| 11/30/2023 | Deadline to file Plaintiffs' Replies in support of any motions to remand to State Court | 1901 |
| 1/16/2024 | Plaintiffs' 26(a)(2) expert disclosures relevant to class certification, for Economic Loss class action | 1911 |

¹ The Parties intend this notice to be a reference resource for the Court. The Parties do not intend this notice and the summaries of the deadlines to supersede the terms in the Court's orders.

² In a separate update to the Court submitted contemporaneously herewith, Plaintiffs and Defendant Koninklijke Philips N.V. have respectfully requested that the evidentiary hearing be moved to July so that those parties can continue to engage in certain discovery leading up to the hearing.

| Date | Event | ECF No. |
|-------------|---|----------------|
| 2/28/2024 | Conclusion of all fact discovery related to class certification, including Party and non-party fact depositions, for both Economic Loss and Medical Monitoring class actions | 1911 |
| 3/1/2024 | Defendants' 26(a)(2) expert disclosures relevant to class certification, for Economic Loss class action | 1911 |
| 3/15/2024 | Plaintiffs' 26(a)(2) expert disclosures relevant to class certification, for Medical Monitoring class action | 1911 |
| 4/1/2024 | Plaintiffs' 26(a)(2) rebuttal disclosures relevant to class certification for Economic Loss class action | 1911 |
| 5/1/2024 | Deadline to complete expert depositions relevant to class certification for Economic Loss class action Defendants' 26(a)(2) expert disclosures relevant to class certification for Medical Monitoring class action | 1911 |
| 6/3/2024 | Plaintiffs file motion for class certification for Economic Loss class action | 1911 |
| 6/10/2024 | Plaintiffs' 26(a)(2) rebuttal disclosures relevant to class certification for Medical Monitoring class action | 1911 |
| 7/1/2024 | Defendants file class certification opposition for Economic Loss class action | 1911 |
| 7/15/2024 | Deadline to complete expert depositions relevant to class certification for Medical Monitoring class action | 1911 |
| 8/1/2024 | Plaintiffs file class certification reply for Economic Loss class action | 1911 |
| 8/15/2024 | Plaintiffs file motion for class certification for Medical Monitoring Class Action | 1911 |
| 8/21/2024 | Parties file Rule 702/Daubert motions on class certification issues for Economic Loss class action | 1911 |
| 9/20/2024 | Oppositions to Rule 702/Daubert motions on class certification issues for Economic Loss class action | 1911 |
| 10/1/2024 | Defendants file class certification opposition for Medical Monitoring class action | 1911 |

| Date | Event | ECF No. |
|--------------------|---|----------------|
| 10/2024 or 11/2024 | Potential hearing date on class certification and related Rule 702/Daubert issues for Economic Loss class action, subject to Court's scheduling | 1911 |
| 11/1/2024 | Plaintiffs file reply in support of class certification for Medical Monitoring class action | 1911 |
| 12/6/2024 | Parties file Rule 702/Daubert motions on class certification issues for Medical Monitoring class action | 1911 |
| 1/6/2025 | Parties file Rule 702/Daubert oppositions on class certification issues for Medical Monitoring class action | 1911 |
| 2/2025 or 3/2025 | Potential hearing date for Rule 702/Daubert motions on class certification experts for Medical Monitoring class action, subject to Court's scheduling | 1911 |

Pursuant to Pretrial Order #28 (ECF No. 783), the following procedures and deadlines apply to the Amended Master Personal Injury Complaint and Individual Short Form Personal Injury Complaints.

| Date | Event |
|---|---|
| Within sixty (60) days of the date on which the Court issues a ruling as to its motion to dismiss the Amended Master Personal Injury Complaint ³ | Deadline for Defendant to file a Master Answer to the Amended Master Personal Injury Complaint. |
| Within forty-five (45) days of the date on which the Court issues a ruling granting Plaintiffs' Co-Lead Counsel leave to amend the Amended Master Personal Injury Complaint | Deadline for Plaintiffs' Co-Lead Counsel to file a Second Amended Master Personal Injury Complaint |
| Within fourteen (14) days of filing a Short Form Complaint | Deadline for Personal Injury Plaintiffs to upload their Short Form Complaint to the online MDL Centrality System accessible at www.mdlcentrality.com/ pursuant to Pretrial Order # 27 |
| Within twenty-one (21) days after service of the Master Answers to | Deadline for any Personal Injury Plaintiff, who has filed a Short Form Complaint, to amend the same for any reason |

³ If a motion to dismiss the Amended Master Personal Injury Complaint does not result in the dismissal of the Amended Master Personal Injury Complaint in its entirety, and provided that the Court does not grant leave to amend the Amended Master Personal Injury Complaint.

| Date | Event |
|--|---|
| the Amended Master Personal Injury Complaint by Defendants | |
| Within twenty-one (21) days after service of Short Form Complaint | Deadline for any Personal Injury Plaintiff, who files a Short Form Complaint after the filing of the Master Answers to the Amended Master Personal Injury Complaint, to amend the same for any reason |
| Within twenty-one (21) days after selection for inclusion in the pool from which bellwether cases are to be selected | Deadline for any Personal Injury Plaintiff, whose case is subsequently chosen for inclusion in the pool from which bellwether cases are to be selected, to amend his or her Short Form Complaint |

Date: June 13, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed via the Court's CM/ECF system on this 13th day of June 2023 and is available for download by all counsel of record.

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